

Appl. No. 10/764,931
Atty. Docket No. CM2491D
Amdt. dated 5/9/06
Reply to Office Action of 2/21/06
Customer No. 27752

REMARKS/ARGUMENTS

Claims 2 and 6 (which now depends from Claim 2) are under consideration.

Method-of-use Claim 2 has been amended to recite the compositional elements of Claims 1 and 28 of granted parent U.S. 6,683,036 B2. Claims 3 – 5 were previously cancelled. Claims 7 – 12 have now been cancelled, without prejudice, as being redundant in view of amended Claim 2. Claim 1 has been withdrawn from consideration.

It is submitted that all amendments are fully supported, as evidenced by the use of the same compositional claim language as parent U.S. 6,683,036 B2. Entry of the amendments is requested.

Grant of Parent Application

The present application is a Divisional of parent U.S. Patent Application Serial No. 09/909,403 filed July 19, 2001.

Applicants' attorney (undersigned) regrets that the Examiner's attention had not earlier been drawn to the fact that said parent application has been granted as U.S. 6,683,036 B2.

As noted above, the grant of parent U.S. is now properly disclosed in the amended specification.

MPEP 2116.01

In view of the fact that the method-of-use claims herein have been amended to recite the limitations of Claim 1 and Claim 38 of granted parent U.S. 6,683,036 B2, it is submitted that said amended claims are in immediate condition for allowance under MPEP 2116.01, and case law cited therein. In particular, the *Kuehl* and *Pleuddemann* case law cited therein would appear to apply under the present circumstances.

MPEP 821.04

The MPEP states that, "... once a determination as to the patentability of the product has been reached any process claim which contains limitations identical to the allowed/allowable product should not be rejected over prior art without consultation with a Technology Center Director." MPEP 821.04

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It is respectfully submitted that there is no indication, of record, that a Technology Center Director has been consulted with in making the claim rejections. [Again, it is noted that the Examiner should have been timely apprised of the grant status of the parent application.]

In any event, it is submitted that the clear provisions of MPEP 821.04 should now be adhered to, in the event the Examiner were to maintain the rejections.

Rejections Under 35 USC 103

Claims 2 and 6-12 stand rejected over U.S. 5,891,836, U.S. 6,090,764 or JP 2000-44990, all in view of U.S. 2002/0010106, for reasons of record at pages 5-9 of the Office Action.

Applicants respectfully traverse all rejections, to the extent they may apply to the claims as now amended.

The following arguments/comments are provided simply to complete the record and in no way vitiate Applicants' position with respect to the proper handling of the claims under MPEP 2116.01 and MPEP 821.04, discussed above.

Inasmuch as U.S. 5,891,836 is listed as having been cited by the Examiner in parent case U.S. 6,683,036 B2, and was therefore fully considered during prosecution thereof, its disclosures need not be specifically reconsidered here.

The 2002/'106 document has been discussed in the previous responsive amendment in the present application and that argument has been entered (Office Action page 2). It is again submitted that this document does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 2 and claims dependent thereon (see MPEP 2143.03). Specifically, it does not discuss or teach the use of an organoamine solvent in combination with a cyclodextrin malodor-control agent. Rather, it briefly discussed very low molecular weight amines as not complexing effectively with cyclodextrin (except during fabric drying) in the context of being "unwanted molecules". Paragraph [0018].

Said another way, 2002/'106 treats various amines in the context of malodorous (i.e., unwanted) molecules, whereas the present invention employs amines as a cleaning solvent.

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U.S. 6,090,764 discloses manual dishwashing compositions comprising glycol sulfates. Cyclodextrin is not disclosed.

To summarize: The combination of '836 (teaching liquid hydrocarbon solvents; column 8, lines 18-32), '764 (teaching glycerol sulfates), or JP '990 (teaching amine compounds in liquid detergents) is not fairly suggestive of the use of cyclodextrin in such compositions. Nor does 2002/'106 suggest the use of cyclodextrin in such context, for the reasons previously noted.

While it may be true that various components of the present compositions can be individually found in the extensive listing of prospective ingredients afforded by the cited documents, it is submitted that the selection of the ingredients herein is non-obvious under §103. Ex parte *Hijamizu*, 10 USPQ 2d 1393, 1394 (BPAI 1988).

In short, it is submitted that the claimed combination of the mixed solvents plus the organoamine solvent plus the cyclodextrin is not fairly suggested.

In particular regard to Claim 6, it is submitted that nothing in any of the cited combination of documents suggests the method aspects set-forth in that claim.

Withdrawal of all rejections under §103 is respectfully requested.

Double Patenting Rejection

Submitted herewith is a Terminal Disclaimer over Application 09/909,403, now U.S. 6,683,036 B2.

In light of the foregoing, it is submitted that Claims 2 and 6 are in immediate condition for allowance. Early and favorable action is requested.

Respectfully submitted,

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